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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,488	01/05/2001	Roger P. Hoffman	P/2-87	5105

7590

10/06/2003

Weiss & Weiss / Philip M. Weiss
Suite 305
500 Old Country Road
Garden City, NY 11530

EXAMINER

CHANG, SABRINA A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,488

Applicant(s)

HOFFMAN, ROGER P.

Examiner

Sabrina Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6 –10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by the website, www.sorcity.com, disclosed in the article “An auction with the buyer completely in charge” (Batz, Elizabeth. October 21, 1999. Purchasing).

A buyer signs up with the service online. Sorcity asks for detailed information and validates the company’s DUNS number, addresses and phone numbers. The purpose of validating the potential buyers is to ensure that their requests are in the interest of creating a legitimate transaction. No money is required of the buyer to post a Request for Proposal (RFQ). Sellers pay the freight charges to participate in Sorcity and win business.

After registering, the buyer develops and submits the RFQ. The item as well as payment and delivery terms must be specified precisely (choosing specific attributes of a product, inputting quantity, inputting delivery specifications). A form online with detailed questions for the buyer to answer about the RFQ helps ensure the appropriate RFQ is written (providing a RFQ form). Sorcity sends automatic e-mail notifications to qualified seller members who sell products that match the RFQ (selecting suppliers to submit the RFQ, submitting RFQ to the supplier). After the time limit for bidding, as specified by the buyer (expiration mechanism, calendar system), has passed, the three lowest bidders that meet or beat the buyer-specified

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threshold price are introduced to the buyer (comparing quotation from one supplier to others).

After the buyer confirms the winning bid with Sorcity, the service collects a 2% commission from the seller.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5, 11, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the website, www.sorcite.com, disclosed in the article "An auction with the buyer completely in charge" (Batz, Elizabeth. October 21, 1999. Purchasing), as applied in claim 1.

In specific reference to claims 2 and 5, Sorcity does not explicitly disclose communication with the buyer or seller via a wireless method.

However, Sorcity could have used any method of electronic communication to notify the buyer and seller of their success(es) in the RFQ process. Sorcity chose to apply e-mail, but it would have been obvious to one skilled in the art at the time to utilize any available messaging service whether e-mail, telephone, or wireless-message-based in order to inform the parties of their respective success in the RFQ process in order to reduce response time between the parties, thereby making the process more efficient.

In specific reference to claims 3 and 11, Sorcity does not explicitly disclose that the method has the supplier analyze the quotation with a logistics database to provide a freight

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quote. The supplier's provision of a quote inherently comprises the calculation of freight costs, since the supplier pays for shipment [Page 58].

It was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of calculating the freight costs gives you just what you would expect from the manual step. In other words there is no enhancement found in the claimed step. The end result is the same as compared to the manual method. A logistics database can simply iterate the steps faster. It therefore would have been obvious to one skilled in the art at the time that the supplier use some sort of equation, or automated calculation to determine the freight cost of a particular RFQ, to return a quote more quickly and efficiently.

In specific reference to claims 15 and 16, Sorcity does not explicitly disclose performing credit checks on a buyer or storing his/her credit profile. However, Sorcity does seek to validate the identity of the buyer in order to guarantee that the transaction requested is a legitimate one [Page 58]. Running a credit check on the potential buyer serves the same purpose as validating the buyer's contact information, i.e. guaranteeing that the transaction offered will be honored. Sorcity also stores a buyer's information, by requiring them to "sign up" and provide various pieces of information, so that the information can be easily accessed upon subsequent usage of the service.

It therefore would have been obvious to one skilled in the art at the time for Sorcity to run credit checks on the buyer and store the information retrieved in order to 1) ensure that the

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requested transaction can be legitimately fulfilled and 2) increase ease of use – in that the buyer does not have to resubmit their information every time they use the system.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the website, www.sorcity.com, disclosed in the article “An auction with the buyer completely in charge” (Batz, Elizabeth. October 21, 1999. Purchasing), as applied in claim 1, in view of the article “What exactly is online procurement, and how can my business benefit?” (Louvart, Bernard et al. June 2000. Catalog Age) – hereinafter referred to as “Procurement”.

Sorcity does not disclose providing a secure chat room for buyers and sellers to communicate in. “Procurement” teaches a number of websites that offer RFQ building systems which include community features, such as chat rooms. The purpose of such features is to provide one-stop destinations for industrial or functional markets.

It would have been obvious to modify the service offered by Sorcity to include the ability for buyers and sellers to communicate in a secure chat room, as taught by “Procurement”, in order to provide a more comprehensive, easy-to-use business-to-business marketplace.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the website, www.sorcity.com, disclosed in the article “An auction with the buyer completely in charge” (Batz, Elizabeth. October 21, 1999. Purchasing), as applied in claim 8, in view of the website, Metalsite.com, taught in the article “MetalSite Launches QuoteFinder; The Most Advanced RFQ on the Internet” (PR Newswire. September 5, 2000).

Sorcity does not explicitly disclose that the system maintains a list of previous sales or a searchable database of buyer/seller quote histories.

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Metalsite teaches an internet-based RFQ system that provides access to order negotiation and sales histories as a great tool to expand the MetalSite's customer base.

It would have been obvious to one skilled in the art at the time to modify the system of Sorcity to store and maintain order and sale histories, as taught by MetalSite, in order to expand Sorcity's customer base.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Giovannoli discloses a computerized system for obtaining, delivering and executing RFQs for services and products. It does not disclose that the system utilizes wireless networks, chat rooms, credit checks or transactional histories.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703 308 1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC


WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600